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Janne La. Aaltonen

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EXAMINER

WEST, THOMAS C

ART UNIT

PAPER NUMBER

3685

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|----------------------------------------|--|
| Office Action Summary | Application No. 10/701,087 | Applicant(s) AALTONEN ET AL. | |
| | Examiner THOMAS WEST | Art Unit 3685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the Arguments/Remarks filed on April 16, 2008.
2. Claims 1-46 are currently pending and have been examined.

Response to Arguments

3. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new grounds of rejection.

Applicant has amended the claims to recite how structural components are configured (e.g. "configured to operate", "configured to add"- claim 1, "configured to extract"- claim 18). However, this is intended use, and it has been held that while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone (MPEP 2114; In re Swineheart, 169 USPQ 226; In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997)). In addition, the composition of the "padding data" (i.e. null bit values) and the aggregate content (claims 1, 23 and 33) are non-functional descriptive material and it has been held that stored data that is not functional related to the medium on which its stored cannot differentiate a claimed medium from the prior art (In re Gulack, 217 USPQ 401 (Fed. Cir. 1983), In re Ngai, 70 USPQ2d (Fed. Cir. 2004), In re Lowry, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.01 II).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 6-8, 12, 13, 14, 18, 19, 23, 24, 28, 29, 33, 34, 38, 39, 43-45 are rejected under 35 U.S.C. 102(e) as being unpatentable over Staring, U.S. Patent No. 7, 228, 425, in view of Timmel, U.S. Patent No. 7,092,524.

Claims 1, 13, 23, 33:

Staring, as shown, discloses the following limitations:

- an apparatus configured to receive ... (see at least column 4, lines 41-45, column 6, lines 65-67, data structure loop, column 7, lines 1-7, accumulate data);
- a second network ... (see at least column 4, lines 41-45, column 6, lines 65-67, data structure loop, column 7, lines 1-7, accumulate data, column 7, lines 27-31, rendering, entire data set)
- a first network ... (see at least column 4, lines 63-67, column 5, lines 1-14, column 3, lines 41-53, column 7, lines 27-36, rendering (download)).

Staring discloses the limitations as shown above. Staring

does not directly disclose padding comprises null values (zeros),
but Timmel teaches: (see at least column 4, lines 6-14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Staring to include the null values (zeros) of Timmel since Staring teaches the use of random bits for padding, which inherently includes null values.

Claims 2, 14, 24, 34:

Staring, as shown, discloses the following limitations:

- at least one application ... (see at least column 4, lines 41-45).

Claims 6, 12:

Staring, as shown, discloses the following limitations:

- the terminal comprises ... (see at least column 4, lines 41-45).

Claims 7, 8, 18, 19, 28, 29, 38, 39, 43-45:

Staring/Timmel discloses the limitations as shown above. Timmel further discloses modifying a file allocation table and perceived/actual size (see at least paragraph 50, changing file size, 56, file size/actual size different).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Staring to include the modification of the file allocation table of Timmel since this further protects content from illicit reproduction by

having the content appear to require a lengthy download and Timmel further teaches that the file size (perceived) and actual file size can be different and adjusted by changing the FAT pointer.

6. Claims 3, 5, 9-11, 15, 17, 20-22, 25, 27, 30-32, 35, 37, 40-42 are rejected under U.S.C. 103(a) as being unpatentable over Staring, U.S. Patent No. 7,228,425, in view of Timmel, U.S. Patent No. 7,092,524, in view of Kocher, US Patent Application No. 2004/0133794.

Claims 3, 15, 25, 35:

Staring/Timmel, discloses the limitations as shown above. Staring/Timmel, does not directly disclose an identifier of the terminal, but Kocher teaches: (see at least paragraph 66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Staring/Timmel to include the identifier of Kocher since this further protects content from illicit reproduction.

Claims 5, 17, 27, 37:

Staring/Timmel, discloses the limitations as shown above. Staring/Timmel, does not directly disclose an identifier of the recipient, but Kocher teaches: (see at least paragraph 66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Staring/Timmel to include the identifier of the recipient of Kocher since this further protects content from illicit reproduction.

Claims 9-11, 20-22, 30-32, 40-42:

Staring/Timmel disclose the limitations as shown above. Staring/Timmel does not directly disclose an identifier stamped content, transfer to an authorized recipient, and identifier of the recipient, but Kocher teaches: (see at least paragraphs 111, 201, 202)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Staring/Timmel to include the identifier stamped content, transfer to an authorized recipient, and identifier of the recipient of Kocher since this further protects content from illicit reproduction through content identifiers.

7. Claims 4, 16, 26, 36 are rejected under U.S.C. 103(a) as being unpatentable over Staring, U.S. Patent No. 7,228,425, in view of Timmel, U.S. Patent No. 7,092,524, in further view of Arkin, US Patent Application No. 2002/0152262.

Claims 4, 16, 26, 36:

Staring/Timmel disclose the limitations as shown above. Staring/Timmel does not directly disclose transfer to an authorized recipient, but Arkin teaches: (see at least paragraph 13)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Staring/Timmel to include the transfer of Arkin since this further protects content from illicit reproduction even when content is transferred to another system.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on M-R 7:30am - 5pm EST, ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West
Patent Examiner
Art Unit 3685
July 9, 2008

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685